

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GARY TORENCE SMITH, )  
Plaintiff, )  
v. )  
LOUIS BOYD, *et al.*, )  
Defendants. )  
CASE NO. 2:09-cv-1055-MEF  
(WO – Do Not Publish)

## ORDER

Before the Court is Defendants' Motion to Continue Pre-Trial Conference Set for January 24, 2013 (Doc. #127). The trial in this case is set for February 25, 2013, with a pretrial conference set for January 24, 2013. These dates have been scheduled since November 29, 2013. (See Doc. #122.)

Defense counsel recently informed the Court that she may have a potential conflict with the January 24, 2013 pretrial conference due to a trial scheduled to take place in Birmingham on January 22, 2013. While the Court certainly recognizes the potential for such a conflict, at this point in the time, no conflict has actually presented itself, as the Birmingham case may settle, be continued, or trial may be completed by the pretrial conference date. In other words, the Court would like to avoid rescheduling the pretrial conference in this matter to one of the dates suggested by Defendants until such a conflict does indeed exist, as these dates fall during the Court's January civil trial term. Accordingly, Defendants' motion (Doc. #127) is DENIED with leave to refile closer to the date of the Birmingham trial (January 22, 2013) if the potential conflict described in this motion still

exists.

DONE this the 28<sup>th</sup> day of December, 2012.

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/s/ Mark E. Fuller

UNITED STATES DISTRICT JUDGE